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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3531 OF 2021

Akshay Manik Gore & Anr.

... Applicants

Vs

The State of Maharashtra

... Respondent

Mr. Rahul S. Kate for the Applicants

Mr. R.M.Pethe, APP for the Respondent.

CORAM : C.V.BHADANG, J.

**DATE : 5th JANUARY, 2022
(THROUGH VIDEO CONFERENCING)**

P.C. :

By this application, the applicants (accused Nos.3 and 4) are seeking bail. The applicants along with three others have been charge-sheeted for the offences punishable U/Sections 307, 120B, 323, 504, 506, 143, 147, 148, 149 of Indian Penal Code and Section 135 of Maharashtra Police Act.

2. The incident in question has happened on 24th May, 2021 at about 1.00 p.m. in front of Grocery Shop of Namdev Chavan at village Dahigaon, Taluka Malshiras, District Solapur. The

prosecution case, as disclosed, from the complaint lodged by the victim-injured Balasaheb Kadam is that the present applicants along with some unidentified persons had gone in front of the Grocery Shop of Namdev Chavan, where victim was present.

3. Balasaheb Kadam was only knowing the applicant Akshay Gore and three others were unidentified persons. F.I.R. also shows that the applicant Akshay Gore was armed with an axe and three unidentified persons were having wooden sticks. It is the material allegation that the applicant Akshay Gore accosted the victim as to why he is messing up with Ajit Shirtode and Narayan Jadhav. The applicant Akshay is also alleged to have asked the victim as to how many cases he is going to lodge against Ajit Shirtode. After that the victim claims that the applicant Akshay assaulted him on his right leg, thigh and other parts of body by an axe. He also claims that an attempt was made by Akshay Gore to assault him by an axe on the head of the victim which the victim was able to ward off. Insofar as applicant Amol Jadhav is concerned, the allegations are that he assaulted the victim by fist and kick blows.

4. Upon such complaint being lodged, an offences under C.R.

No. 170 of 2021 was registered with Natepute Police Station, Taluka Malshiras, Dist :- Solapur and after investigation, charge-sheet is filed against the applicants and three others in the Court.

5. It is undisputed that accused No.1 Ajit Shirtode has been granted regular bail by the learned Sessions Judge, Malshiras while this Court has granted anticipatory bail to Narayan Jadhav (accused No.2) and Shankar Bodare (accused No.5) mainly on the ground that they were not stated to be present on the spot and they have not been named by the victim in the F.I.R.

6. I have heard the learned advocate for the Applicants and learned APP for the State. Perused record.

7. Learned advocate for the Applicants, on instructions, states that he is not pressing the application insofar as applicant Akshay Gore is concerned, at this stage. Thus this application is only pressed insofar as the applicant Amol Jadhav is concerned.

8. *Prima facie* it appears that the allegation against the applicant Amol Jadhav is about an assault by kicks and fist blows.

Medical report of the victim shows that he had suffered in all six injuries, out of which two are grievous injuries being fracture on right tibia and left radius ulna. Other injuries are shown to be simple. Grievous injuries are shown to be suffered by hard and blunt object. Two out of four simple injuries are shown to be suffered by sharp object.

9 Considering overall circumstances and the fact that the overt act attributed to the applicant Amol Jadhav is about an assault by kick and fist blows, *prima facie* an offence under Section 307 of I.P.C. may not be made out. In the result, following order is passed.

O R D E R

1 Application of the applicant Akshay Gore (accused No.3) is dismissed for want of prosecution, at this stage, being not pressed.

2 The applicant Amol Jadhav (accused No.4) be released on bail on executing a P.R. bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) with one or two solvent sureties in the like amount.

3 The applicant shall not tamper with the prosecution evidence or witnesses, in any manner. In the event of breach of any of the conditions, bail is liable to be cancelled.

10 Criminal Bail Application is disposed of in the aforesaid terms.

(C. V. BHADANG, J.)